

PLANNING COMMISSION MINUTES

March 5, 2013

7:00 p.m.

Present: Chairman Tom Smith, Vice Chairman Dave Badham, Planning Commission Members Von Hill, Sharon Spratley, Sean Monson, Michael Allen, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen and Recording Secretary Connie Feil.

Absent: City Council Representative Beth Holbrook.

Chairman Tom Smith welcomed all those present.

1. Approval of the minutes for February 19, 2013.

Von Hill made a motion to approve the minutes for February 19, 2013 as written. Sharon Spratley seconded the motion and voting was unanimous in favor.

2. PUBLIC HEARING – Consider a zone map amendment from General Commercial (CG) and Residential Multi-Family (RM-19) to Residential Multi-family (RM-25) located at 2110 S. Orchard Dr., Wilson Properties, applicant.

Aric Jensen explained that the applicant is ill and will be continued on March 19, 2013.

3. PUBLIC HEARING – Consider granting a conditional Use Permit to expand the existing Riley Court Independent/Assisted Living Center located at 517 S. 100 E., Marv Blosch, applicant.

Von Hill recused himself from this item. Dick Drescher, representing Marv Blosch, was present. City Attorney Russell Mahan explained that a Conditional Use Permit is a use of property that is allowed subject to conditions. State Law requires that a Conditional Use Permit shall be approved if reasonable conditions are proposed to mitigate the reasonably anticipated detrimental affects of the proposed use. If the problems can be solved the law requires that the use be granted. If the detrimental affects cannot be solved it can be denied. Both proposals tonight have been granted a Conditional Use in the past but they and are now asking for more land to be added and to amend the existing Conditional Use.

Mr. Jensen presented a visual presentation of the proposed site plan expansion to Riley Court. Mr. Jensen pointed out the existing Riley Court building, a parcel of land currently improved with three dwelling units to the east and the entire project area, including the adjacent “The Park” apartments and two homes converted to professional buildings, all of which are owned by the applicant and share parking/driveway improvements.

Mr. Jensen explained that the proposal is to tear down the three unit structure on 200 East and extend the existing Riley Court building. The new structure will be 25 feet from 200 East. The

applicant has submitted a table that includes parking, landscaping, unit, and other pertinent calculations. The following paragraphs will refer to the calculations within this table.

First, the entire project area, excluding the converted offices, is shown as 3.36 acres, when it is actually about 3.25 acres. While this may seem like a minor discrepancy, it actually drops the total number of units allowed from 44 to 42 units.

Second, the units in “The Park” (Building D), are actually senior apartments, although they are shown in the Density Conversion section as independent living units. It is the applicant’s intent to convert these to independent living units at some point, but that has not occurred at this time and so those units are each considered 1 unit for density calculations.

Third, at least four of the parking stalls shown are either located in driveways or are storage areas, and do not qualify. Also, there is some concern that the 10 garages shown are constructed in such a manner that the residents of Riley Court can’t physically utilize them. In addition, since the units in “The Park” are still apartments, they are calculated at 2.25 stalls per unit, instead of 1.25 for assisted living units. All of this results in a shortfall of at least 12 parking stalls throughout the entire site.

Fourth, the applicant is proposing 12 new (2) occupant units with kitchenettes, and 12 new (1) occupant units with kitchenettes. Based on the conversions factors, this is the equivalent of 10 unrestricted multi-family residential units. Starting with a gross density of 42 units, then subtracting 16 units associated with “The Park”, results in a net density of 26 units. Subtracting the existing 19.34 units in buildings A and B, leaves a total of 6.66 units that can be constructed in the new addition. That would translate to 10 new independent living units with kitchens, or 13 new (2) occupant units w/o kitchens, or 20 new (1) occupant units w/o kitchen, or some mix of unit types.

Fifth, relating back to the parking count, there is a possibility that the maximum number of units allowed by the density provisions may not be feasible due to insufficient parking.

In regards to the building elevations and materials, the applicant is proposing the same materials and color scheme currently employed at Riley Court. However, several residents have expressed concerns about the height of the proposed addition. Near 200 East, the building is only a single story high in relationship to the ground level, with a fully improved, walkout style basement. As the building moves west, the ground falls away and the building increases a story in height, effectively creating a 3 storey building as measured from the existing and finished grade. While the height of the building is technically less than 35 feet, this is a conditional use and Commission has the discretion to limit the height if it finds a compelling reason with a legitimate nexus to the issue being addressed. Staff has included a redline drawing showing one possible way to mitigate this issue which involves building in the roof trusses; however, if the density and parking issues aren’t resolved, this may be a moot point.

Another concern of the neighbors is parking along 200 East. To address the issue, the applicant is proposing only an emergency egress on to 200 East, and a fence and gate to encourage residents and visitors to park primarily within the designated off-street parking areas.

All utilities are readily available on site or in the adjacent streets. There is a power line that currently runs between the existing Riley Court building and the triplex that serves at least two other properties. This line will need to be rerouted at the direction of the Bountiful Power Department.

Dick Dresher, representing Marv Bloesch, explained that his calculations for parking are different than what Mr. Jensen is stating. With the acreage calculation the ordinance will allow for 42 new units and they are proposing 40 units. After adding all parking spaces and garages on the property there are 3 additional stalls over the minimum required. The new structure will be one story facing 200 East and expanding to 3 stories. Two driveways will be eliminated, all parking and vehicles will enter from 100 East and no deliveries or access will be from 200 East. There will be pedestrian exit only to 200 East. Mr. Dresher is aware of the concerns from the residents and has made every effort to accommodate their concerns.

The public hearing was opened for all those with comments and concerns.

The following are the names of those present with their concerns:

Chris Anderson, residing at 521 S. 200 East.
Matt Berg, residing at 526 S. 200 East.
Aaron & Amy Arbuckle, residing at 548 S. 200 East.
Jane Browning, residing at 521 S. 200 East.
David & Christine Brand, residing at 435 S. 200 East.
Ann Burns, residing at 514 S. 200 E.

Their comments and concerns were as follows:

1. Parking not available adjacent to the building.
2. Concerns with visitors parking on 200 East.
3. Fire access for new units.
4. Height of structure in neighbors' backyards.
5. Balconies looking into backyards.
6. Existing garages are being used for storage not parking.
7. Property values will decrease.
8. Snow removal-in winter takes parking spaces.
9. Remove the third story/too many units.
10. Would like large trees to help buffer the area.

There was a lengthy discussion among the Commission Members and those present.

Sharon Spratley made a motion to continue this item until April 2, 2013. Dave Badham seconded the motion and voting was unanimous in favor.

Von Hill returned to the table.

4. Consider preliminary site plan approval for Riley Court located at 517 S. 100 E., Marv Blossch, applicant.

This item has been continued until April 2, 2013.

5. PUBLIC HEARING – Consider granting a Conditional Use Permit to expand the existing Bountiful House Assisted Living Center and preliminary site plan approval located at 79 E. Center, Steve Miles, applicant.

Gary Griffiths, partner and co-owner of Bountiful House, was present. Aric Jensen gave a visual presentation as he explained that Bountiful House assisted living center, (originally called the Legacy House), is proposing to amend the existing conditional use permit to allow for an expansion of the facility. The expansion would take place primarily to the north of the existing facility, and includes the acquisition of the adjacent property on the corner of 100 North and 100 East. The proposal is to build 12 new assisted living units and 6 new Alzheimer care units by further expanding the east wing of the building to within 10 feet of the boundary of 100 North Street (approximately the inside edge of the sidewalk).

Mr. Jensen explained that Bountiful House was originally constructed in 1997, and was later expanded in 2006. At the time of expansion there were three primary concerns that were discussed at length, and that are still applicable today.

First, the 2006 expansion was approximately 10 feet taller (1 storey) than the original 1997 structure. At the time there weren't any buildings in downtown Bountiful of a similar height, and so even though it was allowed by ordinance, there was some trepidation in approving a 3 storey structure. The issue was exacerbated by the fairly stark and abrupt end of the expansion facing northwest. While there are now multiple structures of similar height in the downtown area, the issue of the building height and design in relationship to the neighborhood is still an item of concern. The project architect has proposed several options to mitigate the impact, but there is room for improvement.

Second, it is fairly common for visitors, and possibly employees, to park along Center Street and 100 East. While this is not illegal, it is a possible indicator that there is insufficient on-site parking, and/or the on-site parking is less convenient than the on-street parking -- in this instance it is both. For some unknown reason, when Bountiful House was originally approved almost all of the parking was located in the rear, on the other side of the block. Since it is not physically possible to move the building, the only option is to increase parking on adjacent parcels of land. The applicant's proposal is to demolish the existing home located on the southwest corner of 100 North and 100 South, to cover the existing concrete stream channel, and to install new parking lot. This parking will be both more convenient and more visible to visitors. Since some of the

existing parking to the rear will be occupied by the building expansion, the new lot will have 21 parking stalls, a net gain of 9 stalls.

Third, there were concerns about the impact of deliveries, trash pickup, and other business related operations. To date, the City has not received any significant complaints regarding noise and operations. Regardless, one of the positive aspects of this proposal is that the building expansion would actually screen the loading area from residential views.

When the original conditional use permit was approved in 1997, the only condition placed on the project was that it receive commercial site plan approval. Staff recommends that a conditional use permit be granted with that same condition and the following additional conditions to address the three primary issues discussed in this report:

1. The applicant receive approval for an amended commercial site plan.
2. The applicant obtain written permission from Davis County to cover the creek channel and park on top of it.
3. The northwest façade of the building expansion be redesigned to the satisfaction of the Planning Commission and City Council prior to final site plan approval in order to mitigate the visual impact.
4. That landscaping be installed to the satisfaction of the Planning Commission and City Council to mitigate the visual impact of the building expansion.
5. That there be no substantial change to business operations as required in the 2006 conditional use approval.

Mr. Jensen stated that it is within the Commission's purview to place a condition on almost any aspect of the site plan or use, including items not mentioned in this report. However, there must be a legitimate nexus between the condition and an actual circumstance caused by the proposed activity.

Gary Griffiths explained that Bountiful House has the capacity for 114 residents and at this time it is full. The purpose for the expansion is for more space for additional residents that want to be living at this facility. There are some challenges that need to be made but they are willing to listen to the public and want to be a good neighbor.

The public hearing was opened for all those with comments and concerns.

The following are the names of those present with their comments.

Jim Cobb, residing at 138 N. 100 E.
Lynn Bascom, residing at 195 N. 100 E.
Richard Peterson, residing at 131 N. 100 E.
Jay Watt, residing at 96 E. 100 N.
Sarah Pitkin, residing at 70 N. Main #213.

Their comments and concerns were as follows:

There is not enough parking on site for this large of a facility.
Snow removal takes up more parking spaces.
Family members/visitors are using the Tabernacle parking lot and street parking.
Some of the residents have their own cars which contribute to the parking issues.
Some residents have dogs and do not clean up the poop off of the sidewalks.
There are parking problems between Redcon and Bountiful House.
Add more residents and there will be more problems with dogs and parking.
Don't want a curb cut on 100 E./ will create more traffic.
Delivery trucks are large and noisy.
Garbage pick-up is between 5:00 & 6:00 am which is too early.
There is a noise problem with the mechanical equipment.

There was a lengthy discussion among the Commission, applicant and residents.

Michael Allen made a motion to continue this item until March 19, 2013. Dave Badham seconded the motion and voting was unanimous in favor.

6. PUBLIC HEARING – Consider a zone map amendment to Title 14, Bountiful City Land Use Ordinance.

Aric Jensen explained that there are two proposals on code amendments to be discussed. Item one is to discuss changes to PUD Plat sizes. Mr. Jensen reviewed the proposed changes from the Staff report. There was a discussion among the Commission and Staff.

Von Hill made a motion to recommend to the City Council approval of the amendments to the PUD plat requirements as outlined by Staff. Sharon Spratley seconded the motion and voting was unanimous in favor.

Item two for discussion is the sign ordinance regarding electric message centers. Mr. Jensen reviewed the changes suggested from the previous meeting, and presented a video, prepared by Gordon Holbrook, demonstrating the different types, size and lighting of electric signs in the surrounding area. Mr. Jensen suggested that if electronic signs are allowed, an option could be to eliminate temporary signs on the same property. There would be no logic to having a message center and temporary signs or A-framed signs cluttering the area.

The public hearing was opened to all those with comments and concerns.

Gordon Holbrook, owner of Gordon's Copy, presented copies to the Commission containing descriptions and definitions of video and animated signs. He stated that there are things that can be done with animation that can't be done with video and vice versa. Mr. Holbrook asked a representative from Young Electric Sign Company to explain the uses of the different type of signs.

Jeff Young, representing YESCO, described his company and the products they offer. Mr. Young suggested not using the nit standards which costs more money to analyze. He recommended using foot-candles which are less expensive and more effective. His customers

prefer animation, scrolling and frame affects. Mr. Young recommended not allowing any type of scintillating effect, but to adopt a brightness standard. A packet containing a traffic study, economic value and electronic sign survey was presented to the Commissioners for further review.

Jeff Randall, representing Golden West Credit Union, asked to revise the ordinance to allow a sign larger than 32 sq. ft. The current ordinance does not allow enough space for a message board. The font size will be so small you can't read it. Without a large size of message board it would be pointless to even have a message sign.

There were no more comments.

After a brief discussion Von Hill made a motion to continue this item until March 19, 2013. Michael Allen seconded the motion and voting was unanimous in favor.

7. Planning Director's report and miscellaneous business.

There was no further business to discuss.

8. Field trip to review electronic message centers in the South Davis area.

Mr. Jensen presented a map to the Commission which gave names and addresses of businesses in Bountiful and the surrounding area with existing electronic message centers. Due to the late hour, Mr. Jensen suggested the Commission individually visit the sites to gain some insight of impact that could occur on residents and business areas.

Meeting adjourned at 9:35 p.m.